



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,219	02/20/2001	Kaoru Shimamura	1614.1125	3949

21171 7590 02/08/2005

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

WANG, JIN CHENG

ART UNIT	PAPER NUMBER
----------	--------------

2672

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/785,219

Applicant(s)

SHIMAMURA, KAORU

Examiner

Jin-Cheng Wang

Art Unit

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 14 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 14 December 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1,3,5-7,9,10,12,14,16,18,20 and 22-25.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: 2.

Applicant substantially argues with the claim limitation of "so that the created character information is accessible from each of the input terminal equipments", for example, on Page 4 of Remarks, applicant argues that "Ooishi fails to teach or suggest that the created character information is accessible for each of the input terminal equipments through the network". Applicant's arguments are moot in view of the reasonings given below.

Applicant's argument is directed to the mere purpose for a setting section, recited after "so that" set forth on lines 10-11 of the claim 1. However, as set forth in the Office Action dated 06/14/2004, Kobayashi at least suggests this purpose and Ooishi teaches the very purpose of a setting section, i.e., the created character information is accessible from each of the input terminal equipments. Even for the arguments' sake, Kobayashi and Ooishi teaches a similar or a different purpose, for example, the setting section is used for a similar or a different purpose, it would have been obvious to one of ordinary skill in the art to have used Kobayashi's character processing apparatus for a similar or a different purpose, for example, the setting section is used so that "the created character information is accessible from each of the input terminal equipments". Applicant's arguments erred in that applicant treats the claim language after "so that" as a claim limitation. A recitation directed to the manner in which the setting section to set the created character information of the claimed apparatus is intended to be used ("so that the created character information is accessible from each of the input terminal equipments") does not distinguish the claimed apparatus from the prior art - if the prior art has the capability to so perform (See MPEP 2114 and Ex parte Masham, 2 USPQ2d 1647 (1987)).

Moreover, Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. U.S. Patent No. 6,522,330 (hereinafter Kobayashi); in view of Ooishi U.S. Patent No. 5,802,538 (hereinafter Ooishi) for the reasons given below.

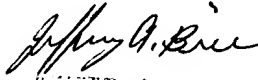
Kobayashi has taught a character processing apparatus which is connectable to a plurality of input terminal equipments and to a character information creating terminal equipment via a network, comprising:
A receiving section to receive a request for character information which relates to an external character from an arbitrary one of the input terminal equipments (e.g., Figure 5, 10, 11, 16; column 7, and 15-16);
A code allocating section allocating a code to the requested character information (e.g., column 15-16);
A control section to control creation of character information based on the requested character information, within the character information creating terminal equipment (e.g., column 9-10).

However, Kobayashi is silent to the purpose of a setting section setting created character information with respect to the allocated code wherein THE MERE PURPOSE is that the created character information is accessible from each of the input terminal equipments.

Ooishi teaches the purpose of a setting section so that the created character information is accessible from each of the input terminal equipments (e.g., Ooishi column 9-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a setting section of Ooishi in the Kobayashi's apparatus to serve for the very purpose of distributing the character information over the network because such a construction would have provided a custom character (external character) environment creating means for creating a plurality of custom character environments for the respective custom character groups (Ooishi column 2) and distributing/creating the external character codes through the network (Ooishi column 5). Moreover, Ooishi also teaches the claim limitation of code allocating section allocating a code to the requested character information (e.g., Ooishi column 7, lines 15-31; column 9-10) and a control section to control creation of character information based on the requested character information, within the character information creating terminal equipment (e.g., Ooishi Fig. 17; column 7, lines 15-31; column 9-10).

Such modification would have been required to serve for the very purpose of the character apparatus so that the setting section is intended to select a custom character under the set environment in a document processing system over a network.


JEFFERY BRICE
PRIMARY EXAMINER